IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No.310 of 2006
With
Interim Relief Application No. 783 of 2006

Vineet Sharma @ Chinu Pandit .....Applicant

Versus

State of Uttaranchal & another .....Respondents

Sri Navneet Kaushik, learned counsel for the applicant.
Sri A. Rab, learned Addl. G.A. for the State

Hon'ble J.C.S. Rawat, J.

This petition has been directed to seek the intervention to direct the respondent No. 2 to pass appropriate order for arranging the adequate security to the applicant while he is produced before the court.

It is alleged in the petition that the applicant is facing trial in Case Crime No. 321 of 2005 u/s 307 and 506 I.P.C. and Case Crime No. 124 of 2004 under Section 386 and 506 I.P.C., Police Station Gangnahar, Roorkee. It is also mentioned that he is also facing a Case No. 2/3 of Gangsters Act, Police Station Gangnahar, Roorkee, Haridwar before the learned Special Judge, Gangster Act, Haridwar. The applicant have alleged that he is receiving the death threats while being taken to the court on the date fixed at the trial in various courts even in police custody. The applicant moved an application before the learned Judicial Magistrate, Roorkee on 13.12.2005 and the learned Magistrate directed the Jailor to make the necessary arrangements as per the requirement. But no action was taken on the request of the learned counsel for the applicant. Thereafter, the applicant moved an application before the learned Special Judge Gangster Act at Haridwar to provide him adequate security to appear in the court. The learned Special Judge passed an order on 27.04.2006 that the applicant should make a request to the Senior Superintendent of Police who can only look into the matter.

When the applicant did not get the sufficient security, he moved this petition before this court.

It is inherent right of the citizen to live in the society. If the applicant is receiving threats and is requiring the adequate security, it would be just and appropriate to provide him adequate security. Such security shall not be provided by which he would be taken to other place in the police custody. The State had not filed any objection before the court below that he was not getting the threats. The State had not stated before this court that the applicant is not required special security as alleged. It would be just and proper that he will be brought in the same vehicle in which the other persons are taken to the court. Sufficient security will be provided to the applicant in the said vehicle. Sufficient number of police personnel will be provided for security at the time of producing him before the court in date fixed. If he is escorted to the *hawalat* from the vehicle, the adequate number of security guards will be provided to him to be taken to the *hawalat.* When the applicant is produced before the court alongwith the accused, there will be sufficient police personnel for the safety of the present applicant.

The Jailor will record the presence of the police personnel deputed for the safety of the applicant in his register while sending him to the court from jail and the S.S.P. will also pass an order providing the applicant special security and he will also indicate the number of the police personnel in his order. The copy of the order will be provided to the Jail authority as well a to the Court.

In view of the above, the petition is disposed of accordingly.

(J. C. S. Rawat, J.)

17th May, 2006
Shiv